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From: Ex. 6 - Personal Privacy

To: Ex. 6 - Personal Privacy

Sent: Wednesday, November 30, 2011 12:41 PM

Subject: Check out W.Va. should write competitive shale law - Editorials - Charleston

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## EDITORIALS

Wednesday November 30, 2011

### **W.Va. should write competitive shale law**

Protectionist tendencies have cost the state many opportunities

In writing law governing shale gas production, West Virginia lawmakers should deliver competitiveness, not special provisions for special

interests.

It's natural for labor leaders to want West Virginia workers to benefit from the opportunity. But one provision apparently being considered would require drilling companies to provide detailed information about who they hire and where they come from.

Equally naturally, the industry is concerned about this and certain other proposals being considered.

As Robert Orndorff of Dominion wrote to legislators:

"To impose such reporting requirements on one set of employers without reasonable likelihood of collecting information that could be used by the Legislature is bad policy and discourages business activity."

There it is — "discourages business activity."

As Steve White, president of the Affiliated Construction Trades Foundation, told the Gazette's Paul Nyden: "If you take a trip to northern West Virginia and look at license plates in hotel and motel parking lots, you will know exactly what we are talking about. Out-of-state folks are coming in while our unemployment rate remains high."

At [jobsforlocalworkers.com](http://jobsforlocalworkers.com), labor complains that

one company has hired a Texas contractor to build a \$500 million processing plant in Natrium — "and will not commit to hiring local workers;" that another

"imported workers from places as far away as Texas, Oklahoma and Louisiana" to build compressor stations in Wetzel and Marshall counties; that a Texas-based company hired a Canadian firm to build a pipeline in Doddridge and Harrison counties, and that "at least 130 out-of-state workers were counted as they went to work on the project, all the way from Mississippi to Texas, among others."

As if companies aren't welcome unless they hire West Virginians.

This kind of "it's our patch" thinking has hurt the workingman in West Virginia.

It's perfectly all right for West Virginia labor leaders to lobby companies to hire local workers for construction jobs at drilling operations.

But West Virginia labor has a tendency to ask its

political friends to write favors into law, thereby

persuading some companies to throw up their hands and decide not to enter the territory at all.

This attitude has cost West Virginians an awful lot of opportunities over the years..

It would be shortsighted for legislators to enact legal requirements to harass the industry or require preferences for West Virginia workers. Their champions are correct: "West Virginia workers are some of the best in the country."

They can compete. What they need is a competitive environment that offers them more opportunities.

That's one of the requirements Marcellus legislation should meet.

----- Original Message -----

**From:** [REDACTED] - Personal Privacy  
**To:** [REDACTED] - Personal Privacy

**Sent:** Wednesday, November 30, 2011 12:15 PM

**Subject:** Check out Lodging scarce for state football championships - Prep Sports - Ch

[Click here: Lodging scarce for state football championships - Prep Sports - Charleston Daily Mail - West Virginia News and Sp](#)

Wednesday November 30, 2011

## **Lodging scarce for state football championships**

Wheeling hotels full as attendees of Super Six, Festival of Lights hit town

by **Amber Marra**

Daily Mail

### *File photo*

Charleston will be sending a contingent of fans to watch George Washington play Martinsburg Saturday in Wheeling. Overnight visitors may find rooms hard to come by.

CHARLESTON, W.Va. - High school football fans hoping to find a room for the Super Six state championship games this weekend might be out of luck.

Places to stay in Wheeling are scarce - especially rooms near Wheeling Island Stadium, site of the West Virginia championship games.

Charleston's George Washington High School faces off against Martinsburg High at noon Saturday. Fans from Charleston could drive up and back the same day for the game, and many might have to.

It's not just the Super Six that is clogging hotel rooms across the city.

Hotels also will be filled with tourists headed to the Oglebay Resort and Conference Center's Winter Festival of Lights. Still more rooms are booked by Marcellus Shale natural gas workers.

The McLure House Hotel is less than a mile from the stadium and has had no vacancies for this weekend for some time, said Cynthia Johnson, general manager. The hotel has 107 rooms filled.

"It fills up every year. This is a wonderful weekend for us not only because of the Super Six games being played here in town; it's also the Festival of Lights at the same time, so for individuals coming into Wheeling, there are lots of activities for them to participate in," Johnson said.

The story is the same at hotels across Wheeling and even in nearby St. Clairsville, Ohio.

Many hotels with 100 or more rooms have been filled for Friday and Saturday for "quite awhile," said Renee Wodusky, a guest services representative with the Hampton Inn.

Some rooms are booked long-term for Chesapeake Energy workers who are in the area for drilling jobs.

All 115 studio suites at SpringHill Suites are full this weekend, said Travis Church, a sales associate at the hotel. This week most of the rooms will go to football fans and festivalgoers, but some rooms are booked on a more permanent basis.

"A lot of it is probably the oil and gas people. Chesapeake Energy has a lot of rooms for the affiliates that they bring in to work with them from somewhere else. Around 15 to 20 rooms have stayed here over a year and haven't checked out," Church said.

It's the same at the Super 8 about seven miles from the stadium. Associates there say the motel's 55 rooms are almost always booked because of workers and this weekend is no different.

The situation is just as tight in St. Clairsville. Fairfield Inn & Suites has no vacancies, and the same goes for America's Best Value Inn. Both are about eight miles from the stadium, and both are filled to capacity because of drilling activity and hunting season, associates said.

Tickets are still available to GW's game on Saturday. They will be on sale at GW from 10:30 a.m. to 2 p.m. today and Thursday, football Coach Steve Edwards said.

Tickets purchased in advance cost \$6 for students and \$8 for adults. If purchased at the gate on Saturday, the cost is \$8 regardless of age.

Tickets good for all three championship games are \$21 and will be sold in Wheeling at Spic & Span, Kroger on Mont De Chantal Road and Wheeling Office Supply.

A pep rally will be held in GW's gym at 8:30 a.m. Friday, and a send-off for the team will follow at 9:30.

Contact writer Amber Marra at [amber.ma...@dailymail.com](mailto:amber.marra@dailymail.com) or 304-348-4843. Follow her at [www.twitter.com/the1abner](https://www.twitter.com/the1abner).

----- Original Message -----

From: Ex. 6 - Personal Privacy

To: Ex. 6 - Personal Privacy

Sent: Wednesday, November 30, 2011 12:02 PM

Subject: Check out Governor hopes for Marcellus shale special session - State News -

[Click here: Governor hopes for Marcellus shale special session - State News - Charleston Daily Mail - West Virginia News and](#)

## STATE NEWS

Wednesday November 30, 2011

### **Governor hopes for Marcellus shale special session**

Tomblin expected to tweak natural gas drilling bill; delegate worried changes may jeopardize passage

by **Ry Rivard**

Daily Mail Capitol Reporter

Charleston Daily Mail

*Tom Hindman*

Lawmakers have haggled for two years about how to regulate the gas industry amid an expected gas boom. The industry is hoping to drill from a massive underground cache of gas in the Marcellus shale rock formation that stretches from New York through West Virginia and into Ohio.

CHARLESTON, W.Va. - Gov. Earl Ray Tomblin is hoping to call the Legislature into session to pass new natural gas regulations in mid-December, the governor's spokeswoman said.

But one lawmaker has concerns about changes Tomblin is expected to make to the legislation.

Lawmakers have haggled for two years about how to regulate the gas industry amid an expected gas boom.

The industry is hoping to drill from a massive underground cache of gas in the Marcellus shale rock formation that stretches from New York through West Virginia and into Ohio.

The bill has been the focus of contentious debates among lawmakers, huge public hearings and intense industry lobbying.

A 10-member House and Senate committee finally reached a deal earlier this month, although industry figures remain unhappy.

Tomblin is now expected to also tweak the bill. Some changes could soothe the industry's concerns but possibly complicate the bill's chances in the Legislature.

Tomblin spokeswoman Kimberly Osborne said the Governor's Office was still reviewing the bill and was not ready to discuss possible changes.

Delegate Tim Manchin, D-Marion, served as co-chairman of the legislative committee that negotiated the bill. He said Tuesday he's worried about changes the governor might make.

"The governor's changes could throw it up in the air again," Manchin said. "That bill is a very delicate balance and there are delegates and senators who have strong feelings about various provisions in that bill and changing those can certainly jeopardize the bill."

Among other things, the legislative draft bill requires gas wells to be a certain distance from water sources and establishes guidelines gas companies must follow when they build wells. Both

measures are designed to prevent water from being polluted by methane or by the chemical serum companies use to release gas from the shale.

The gas industry has sent mixed signals about any new regulations over the past year.

During an interview last week, Senate Judiciary Chairman Cory Palumbo, D-Kanawha, said he's seen a split within the industry.

He said some in the industry would like to have regulatory certainty, so long as the regulations aren't too onerous.

But others in the industry "want to keep just pushing it and pushing it and pushing it and at the end of the day just don't want to have anything," Palumbo said.

While industry officials have repeatedly asked for regulatory certainty, lawmakers like Manchin accuse the industry of moving the goal posts.

In particular, the industry and the Tomblin administration are both concerned that the legislative bill has overly detailed requirements for how companies should design well casings.

Opponents of the detailed casing standards say the law itself should not go into so much detail because technology evolves so rapidly the Legislature might not keep pace. Instead, they want to hand the authority to dictate casing standards to the state Department of Environmental Protection.

Manchin said the bill actually does give DEP leeway to set casing standards, so long as the DEP standards are "equally protective" when compared to the Legislature's.

Manchin said the legislative committee changed the bill's language multiple times to accommodate concerns that the bill was being too specific. Or, as he put it, the committee "watered down three times" that section of the bill.

If Tomblin does end up calling a special session, Osborne said it would likely coincide with the Legislature's monthly interim meetings in December, which are set for Dec. 12-14.

Governors typically only call special sessions when they are sure lawmakers will come to a quick and easy consensus. However, of the special sessions Gov. Joe Manchin called, at least three turned out to be unexpectedly contentious or protracted.

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GOODELL-ROLLING STONE-Obama's Pipeline Limbo-1DecY2K11

ROLLING STONE 8 December 2011 issue.

## **Is the Keystone Pipeline Really Dead?**

# **The president postponed the project - but Big Oil is already looking for another way to burn Canada's tar sands**

**by: Jeff Goodell**

A mock oil pipeline is carried during a Keystone XL tar sands oil pipeline demonstration near the White House in Washington  
Andrew Harrer/Bloomberg via Getty Images

Not since the days of George W. Bush's "Clear Skies" and "Healthy Forests" initiatives has America been presented with a project as cravenly corporate and backward-looking as the Keystone XL pipeline. The 1,700-mile-long pipeline, designed to funnel tar sands oil from Canada into refineries along the Gulf Coast, was sold as a cure for America's energy crisis and a way to put thousands of Americans to work. In fact, it was nothing but a giant boondoggle, propped up by industry lobbying and corrupt science. If it were built, it would have helped cook the climate and made our addiction to oil even tougher to kick.

But thanks to a surprise decision by President Obama, the Keystone XL is dead in its tracks. Because the \$7 billion pipeline would have crossed an international border, it needed a special permit from the State Department – giving Obama the power to cancel the project. "In effect, whether or not to build this pipeline was Obama's call," says Bill McKibben, the climate activist and author who played a lead role in organizing protests to stop the pipeline. On November 10th, the State Department announced that it was postponing a decision on the pipeline's permit until 2013 at the earliest, pending further review of the project's proposed route. The White House immediately released a statement emphasizing the president's "support" for the decision – giving environmentalists a rare reason to celebrate. "I wish the president would have killed Keystone outright, but he did the smart thing politically," says Erich Pica, president of Friends of the Earth. "By kicking the can down the road until 2013, he both stalled the construction of the pipeline and defused it as an election-year issue."

Obama was apparently swayed, in part, by the widespread demonstrations organized to protest the pipeline. The permitting process ran into stiff opposition from a loud and diverse coalition, from Nebraska ranchers who feared that a pipeline leak could pollute the state's drinking water to Tea Party activists who were pissed off that a foreign company could be granted the right to confiscate private property from U.S. citizens to clear a path for the pipeline. Only four days before Obama's decision, 10,000 anti-pipeline activists built a human chain around the White House; many carried signs that challenged Obama with his own words: "Let's be the generation that finally frees America from the tyranny of oil."

The oil industry fought hard to keep Keystone alive, making wildly exaggerated claims that the pipeline – the country's largest infrastructure project – would create tens of thousands of jobs and decrease America's reliance on oil from the Middle East.

TransCanada, the company building the pipeline, had already spent nearly \$2 billion buying land and parts for the project, anticipating approval by the end of the year. But Keystone took another blow when *The New York Times* unearthed evidence revealing an unsavory relationship between TransCanada and the State Department.

Even worse, scientists warned, the amount of carbon locked up in the tar sands – 230 billion tons – would be more than enough, if burned, to spike global warming to catastrophic levels. James Hansen, NASA's leading climate scientist, predicted that if Keystone went through it would be "game over" for the planet. "The pipeline became more than an environmental or energy issue," says Michael Brune, executive director of the Sierra Club. "It was almost a philosophical referendum on who we are as Americans, and what we care about."

**A**lthough most Americans don't know it, the U.S. gets more oil from Canada than it does from the entire Middle East. Of the 9 million barrels of oil we import each day, 2 million come from Canada – half of them from a vast expanse in Alberta called the tar sands. Most of the major oil companies have operations there, including two of the biggest funders of the climate disinformation machine: ExxonMobil and Koch Industries, the Kansas-based refining and pipeline operation that handles 25 percent of the tar sands oil currently heading into America.

Extracting oil from the tar sands is a nasty, polluting, energy-intensive business. To get at the tar sands, oil companies must first cut down huge tracts of the boreal forests that cover Alberta before deploying huge, industrial-scale shovels and draglines to dig up the tar sand itself – a black goo that resembles roof tar mixed with beach sand. After dumping the goo into enormous vats of superhot water to separate out the sand and skim off the oil, refiners use an expensive and complex process called hydrocracking to turn the thick, sulfury gunk into gasoline or diesel. Finally, all the water and sand left over from the process – laden with heavy metals and toxins – is pumped into giant holding areas that form massive lakes of toxic sludge. In Alberta, all this takes place on a scale so large that it can be seen from space; the "lakes" of sludge alone are among the largest human-built projects in the world. It has also wreaked enormous environmental destruction in Canada: killing off scores of migrating ducks, polluting local water supplies and coinciding with an alarming increase in cancer rates for indigenous people who live downstream from the tar sands operations.

Right now, the tar sands produce some 1.5 million barrels of oil a day – but by 2030, oil producers in Alberta hope to double that output. There's only one problem: The tar sands are landlocked. Unlike Saudi Arabia, where oil can be quickly and easily transported to the sea, the tar sands are transported to market through an extensive network of pipelines. And with the Midwest currently experiencing an oil glut, thanks to a boom in shale oil, Canada's tar sands can receive top dollar only if they're transported all the way to the Gulf Coast, where they can be refined and shipped overseas. The Keystone XL pipeline, in effect, was a way for oil companies to leapfrog the United States by digging a four-

foot-deep trench and laying a three-foot-wide steel pipe nearly 2,000 miles long to get their product from Canada to Europe and Asia.

"The pipeline was absolutely central to the industry's expansion plans," says Lorne Stockman, research director at Oil Change International, a nonprofit group in Washington, D.C. One market analysis conducted for TransCanada predicted that the pipeline would nearly double annual revenues from the tar sands to \$3.9 billion by 2013. TransCanada itself would profit from Keystone by securing a stranglehold on the flow of oil out of Alberta, charging a tariff of about \$7 for each barrel shipped down the pipeline.

Thousands of people are descending on the White House to join hands with one another and stand up to the Keystone XL pipeline.

KAREN BLEIER/AFP/Getty Images

Back in 2008, when TransCanada officially applied to the State Department for permission to build the pipeline, hardly anyone noticed. "We did not anticipate much opposition," says Terry Cunha, a spokeswoman for the company. "It's a fairly routine operation." Earlier that same year, the Bush administration had rubber-stamped Keystone I, a pipeline that takes an even more circuitous route from Alberta to Oklahoma. Why would the Keystone XL be any different? The permit was handed off to the Bureau of Oceans and International Environmental and Scientific Affairs, a low-profile office responsible for negotiating international treaties that draw little scrutiny, like negotiating technology-sharing agreements with Uzbekistan. The only major hurdle facing the pipeline was an environmental-impact assessment, which the State Department – hardly a bastion of expertise in the myriad ways an oil-sands pipeline can harm the environment – would perform more or less on its own. Responsibility for handling the environmental review, in fact, fell mostly to a young member of the Foreign Service named Betsy Orlando, a lawyer with zero scientific background.

Sure enough, when the State Department issued its draft report early last year, it concluded that the pipeline would have only a "minimal" impact on the environment. The EPA immediately criticized the report, rating it as "inadequate" – the lowest possible designation. Among other things, the State Department failed to consider alternative routes for the pipeline, and understated the likelihood of harmful spills that could devastate the Sand Hills, one of the most ecologically fragile areas of Nebraska.

The study was further called into question when Friends of the Earth, relying on the Freedom of Information Act, obtained e-mails and other documents revealing that TransCanada had hired Paul Elliott, a deputy director of Hillary Clinton's failed 2008 presidential campaign, as a principal lobbyist on the project. The e-mails show that federal officials enjoyed an extremely cozy relationship with Elliott, even coaching TransCanada on how to respond to the environmental impact statement. In one e-mail exchange from September 2010, a senior diplomat at the U.S. Embassy in Ottawa, Marja Verloop, praised Elliott after he won support for the pipeline from Sen. Max Baucus, a Democrat from Montana. "Go Paul!" Verloop gushed. "Baucus support holds clout."



Even more shocking, as *The New York Times* reported, the State Department's environmental impact statement had actually been written by Cardno Entrix, a Houston-based consulting firm selected by none other than TransCanada. Cardno Entrix lists the pipeline developer as a "major client," and the two companies have a direct financial relationship. Such outsourcing of government responsibility is as unusual as it is inappropriate. "This violates not only the intent but the very language of the law," says Oliver Houck, a professor at Tulane University who specializes in environmental and criminal law. A month after the *Times* article appeared, the State Department's inspector general announced that he was conducting a special investigation into the handling of the pipeline permit.

Even before it rigged the State Department assessment in Washington, TransCanada dispatched representatives throughout the Midwest to buy right-of-way easements along the pipeline route in Montana, South Dakota and Nebraska. In 2007, a TransCanada rep contacted Randy Thompson, a 64-year-old cattle rancher and proud Republican, and asked to meet him at his 400-acre spread in southern Nebraska. As it turned out, messing with Thompson was a huge mistake.

When the rep arrived, he told Thompson that TransCanada was going to run the pipeline across his land, and offered to pay him \$9,000 for a 100-year easement. Thompson was alarmed when he saw that the pipeline would be sunk four feet deep – directly in the water table. "They would be burying the pipeline right in my water supply," he says. "Even a small spill or leak would ruin my land."

TransCanada warned Thompson that if he didn't sell them the right of way, the company would seize his land under eminent domain. "I told them to take a hike," Thompson says. But the scare tactic worked on other ranchers, who signed away their property for the pipeline. The move pissed Thompson off: In Nebraska, foreign corporations are not allowed to seize property until they have a federal permit in hand. "These deals were made under false pretenses," says David Domina, a Nebraska attorney representing ranchers against TransCanada. "They will not stand up in court, which would find them invalid."

But what really turned Thompson against the pipeline was TransCanada's callous disregard for the environment. The company elected to route Keystone directly through the Sand Hills, a sensitive region that even die-hard conservatives in Nebraska believe should be left untouched. A spill in the Sand Hills, where the soil is extremely porous, could be devastating to the nation's most important agricultural aquifer. John Stansbury, a professor of environmental engineering at the University of Nebraska, found that even a tiny, undetected leak from an underground rupture could contaminate almost 5 billion gallons of drinking water with dangerous levels of benzene, a known carcinogen.

Spills, in fact, are all too common on the nation's pipelines: Since 1990, according to federal regulators, there have been at least 100 "significant" spills on pipelines every year

that have released 110 million gallons of hazardous waste. The Keystone I had so many spills – a dozen in its first year alone – that it had to be temporarily shut down. Last July, a pipeline operated by Enbridge Energy dumped nearly a million gallons of tar sand sludge into the Kalamazoo River. Estimated cleanup costs: \$700 million.

Outraged by TransCanada's tactics, Thompson began appearing on TV and writing letters to newspapers warning of the dangers posed by a pipeline rupture. Bold Nebraska, a statewide activist group, distributed T-shirts that read I STAND WITH RANDY. Before long, a grassroots movement had sprung up in Nebraska to force TransCanada to reroute the pipeline around the Sand Hills. Last month, Gov. Dave Heineman called a special session of the Nebraska legislature to block the pipeline.

To counter such opposition, TransCanada preyed on the public's economic insecurity, claiming that the pipeline would create 20,000 jobs in construction and manufacturing, plus an additional 118,000 spinoff jobs that would inject \$20 billion into the U.S. economy. Fox News went even further, suggesting that the pipeline "could provide up to a million new high-paying jobs" in the U.S. The numbers came from a report by a Texas consulting operation called the Perryman Group – which, upon closer inspection, turned out to be little more than an ex-professor from Southern Methodist University who accepted funding from TransCanada for predicting a jobs boom. The State Department, by contrast, estimated that building the pipeline would employ no more than 6,000 construction workers – and that once Keystone was finished, the number of permanent pipeline jobs could be as few as 50.

As for the idea that the pipeline would increase America's energy security: Much of the tar sands shipped to Texas would likely wind up overseas. Valero, one of the biggest refiners contracted to buy the oil from the pipeline, already exports six percent of its gasoline and 18 percent of its diesel, mostly to South America. What's more, the most profitable market for refiners right now is selling diesel to Europe. "For the refiners, this is all about buying low-cost tar sands crude and selling into high-profit markets in the European Union," says Stockman, the researcher at Oil Change International. "This oil is not going to replace oil from the Middle East. That's not the way the global oil market works. This is not *instead of* – it's *as well as*." The Keystone pipeline, in short, wouldn't increase our energy independence – it would just further fuel our oil addiction.

Steven Anderson, a retired brigadier general, became an outspoken opponent of the pipeline based on his experience overseeing the U.S. Army's supply chain during the Iraq War. "That's where I really saw the absurdity of our addiction to oil," he says. "It was not just the strategic costs of maintaining our military presence in the Middle East, but the operational costs of keeping our troops moving and viable during a time of war." Anderson estimates that of the 1,000 trucks the Army had in motion each day during the height of the war, 300 of them were devoted exclusively to moving fuel around. By Anderson's estimate, at least 1,000 American soldiers died transporting fuel. "It was absurd and tragic," he says.

The pipeline, Anderson says, would actually undermine our energy security by perpetuating the fantasy that America can drill its way to freedom and prosperity. "It allows us to think we can keep driving our SUVs, that everything is fine," he argues. "It is not fine. We need to make big changes to how we think about energy in America. The Keystone pipeline is not the solution to our problems. It is emblematic of it. If we build this pipeline, we will look back on this in 50 years and see how foolish we were."

For months, Obama had vowed to make a swift decision about the pipeline, saying he would settle the matter by the end of the year. As recently as November 1st, the president told a Nebraska reporter that he would be guided by a simple question: "What is best for the American people?" But as the protests over the pipeline heated up – and the State Department's environmental analysis was revealed to be both unscientific and corrupt – the White House began to suggest that it needed more time before making a decision.

Obama was heckled by anti-pipeline activists at events in Denver and San Francisco. Big campaign donors, angered by Obama's unwillingness to take a strong stand on climate change, also pressured the president to deny the permit. The White House, which was hoping to score points in energy-producing states by approving the pipeline, was not pleased. "I was getting calls from the White House almost every day," says the head of a major environmental group who asked not to be identified. "They said, 'What are you doing to us? Are you trying to help us lose the election?'"

When the State Department announced it was postponing the Keystone permit, anti-pipeline activists were ecstatic; Friends of the Earth hailed Obama's decision as a "major accomplishment for the climate movement." The American Petroleum Institute, meanwhile, accused the president of election-year pandering to a "radical constituency opposed to any and all oil and gas development." In retaliation, Big Oil is expected to invest heavily in attack ads over the next year blasting Obama for destroying pipeline jobs and keeping America beholden to Middle Eastern oil.

But the decision, while a major victory for the environment, may prove short-lived. In postponing the pipeline, the president offered no bold statement about the need to curb America's addiction to oil or to invest in clean energy. In the end, Obama opted to delay the pipeline with a bureaucratic shuffle, arguing only that the route through Nebraska needed further study. The failure to take a firm stand against converting Canada's tar sands into oil leaves the door open for Keystone – or another pipeline just like it.

Russ Girling, the CEO of TransCanada, says the company remains "confident Keystone XL will ultimately be approved," and has already offered to reroute the pipeline around the Sand Hills. Rival firms are promoting smaller, less controversial alternatives that would connect existing pipelines to refineries on the Gulf Coast, and Canada's finance minister says it's time to explore ways to transport tar sands oil to the coast for transport to China. "This decision may or may not kill this particular pipeline," says Stockman of

Oil Change International. "There will certainly be others. In the long run, the only way to stop the tar sands is to reduce the demand for oil."

Other activists agree. "Given 10 years, Canada will figure out a way to get the tar sands oil out into the world," says McKibben. "But if in 10 years we haven't figured out a way to get off oil, we will be heading into a full-scale climate disaster – so it will all be moot anyway. This is about buying us precious time."

*This article is from the December 8, 2011 issue of Rolling Stone.*

----- Original Message -----

**From:** Ex. 6 - Personal Privacy

**To:** undisclosed-recipients:

**Sent:** Thursday, December 01, 2011 1:07 PM

**Subject:** WV-SORO Update & Alert: Special Session Possible in December, but Marcellus Bill Needs Improvements

## **Special Session Possible in December, but Marcellus Bill Needs Improvements**

As you probably know, in November the legislature's Joint Select Committee on Marcellus Shale recommended a bill to regulate Marcellus Shale drilling in West Virginia. Now that the committee has completed its work (see coverage [here](#), [here](#) and [here](#)), a special session to adopt new drilling regulations now appears likely, although the industry remains opposed to a number of key provisions in the bill and Governor Tomblin is expected to tweak it (read more [here](#), [here](#), [here](#) and [here](#)).

While we appreciate the work of the Select Committee, and that of House members in particular, we do not feel the bill recommended by the committee adequately addresses surface owners' concerns and we are disappointed that they felt this was the best they could do. It has been 4 years, since our organization formed and began working for legislation to keep drillers from sneaking onto our land and surveying for well sites and access roads with notifying us first and involving us in the planning process. That was before Marcellus Shale drilling, which many of you know from personal experience is a small private hell for surface owners and others living near by.

The Governor should convene a special session of the legislature to approve legislation to regulate the natural gas industry and aid surface owners in having their rights recognized and respected by the drillers. These changes are long overdue. However, there are specific provisions in the proposed legislation we would like to see strengthened to provide better protection for citizens and the environment (see details below). We support strong rules and tough enforcement. We cannot and will not support a bill that is weaker than what was recommended by the committee.

**Please contact Governor Tomblin and your legislators and urge them to support stronger rules and tougher enforcement and oppose weakening the proposed**

**legislation drafted by the legislature's Joint Select Committee on Marcellus Shale.**

Call Governor Tomblin at (304) 558-2000 or toll-free at 1-888-438-2731. [Click here](#) to contact your legislators.

*Tell them we deserve more, not less. Encourage them to support a stronger bill than the one recommended by the Select Committee.*

**We also encourage you to [sign this petition](#) created by WV-SORO member Rick Humphreys calling on the Governor and legislative leadership to hold a special session to require enforcement of current regulations; strengthen regulations to reflect technological advancements; and restore, recognize and respect the constitutional property rights of landowners. [Click here](#) to sign Rick's petition.**

**Provisions in the bill that need improvement, include:**

- **Surface Owner Agreement Provisions:** These provisions say the driller "may" notify the surface owner "of the planned operation" "no later than the date for filing the permit application." The fact that this is voluntary is a problem. Also, the filing date of the application is too late. The driller will have already surveyed for the well site and access road(s) and will not want to change their plans.

If the surface owner sues the driller under the statute the damages are decided by the "court," so there is no clear right to a jury trial. Worst, the surface owner could have to pay attorney's fees if the driller counterclaims that the surface owner "willfully and knowingly violates" the surface compensation agreement. Driller's lawyers draft these agreements. Their lawyers will put in provisions to trip up surface owners so they can counter-sue any surface owner that sues the driller. *Why does an operator spending \$18 million or more to drill multiple wells on a pad need attorney's fees?*

We support incentives to encourage drillers to work with and negotiate agreements with surface owners, but these are not the incentives we would have chosen. If these provisions are adopted without changes, our advice to surface owners may well be to not sign an agreement since it will expose them to attorney's fees.

- **Well Location Restrictions:**

*Distance from Homes:* The proposed legislation says, "The center of well pads may not be located within 625 feet of an *occupied* dwelling," but there is no requirement that the gas wells be at the center of the well pad. These wells are drilled 15-25 feet apart and 6 to 12 wells were drilled on a pad. The noise from the edge of the pad could be very, very close to the surface owner's or a neighbor's home. We know some surface owners that are 655 feet from a well site and they cannot sleep in their homes at night. This is unacceptable.

The World Bank, Colorado and California have determined that the maximum decibel level for a residence measured at the residence should be 45 decibels at night and 55

decibels during the day. These standards should be used. This would eliminate the need for a variance in some respects, if the driller did the things that are necessary to prevent homeowners from having their windows rattled. However, it does not address the concerns about the air and other pollution from the sites and the State does not have data to confirm whether or not the proposed setback is protective of human health.

Additionally, even if the safety of persons could be assured, the proposed set back isn't protective of property values, marketability, etc. A study conducted for the Town Council of Flower Mound, TX found that negative impacts on property values generally dissipated at a distance of 1,000 to 1,500 feet. In response, Flower Mound adopted an ordinance that makes it "unlawful to drill, re-drill, deepen, re-enter, activate or convert any oil or natural gas well, for which the closest edge of construction or surface disturbance is located ... within one thousand five hundred feet (1,500') of any residence."

Distance from Water Wells and Springs: Adequate setbacks are needed for the protection of all water supplies (public and private), yet the proposed legislation provides a more protective setback for public water intakes than it does for private water wells and springs. WV-SORO shares the concerns of public water supply managers and users that their water be protected, however, it is unfair and unjust that the Select Committee chose not to extend the same protections to those whose water supplies are most likely to be affected and who have fewer resources available to them to deal with the contamination if it occurs.

At one of the recent meetings of the Select Committee, an industry official testified that a typical well site is 300 feet by 400 feet. Based on these figures, if the well head is in the center of the pad, a water well or spring that is 250 feet measured horizontally from the well head would, at most be 100 feet from the well pad. Moreover, if the well pad were larger, the water well or spring would be located on the well pad.

Additionally, the 250 foot setback from water wells and springs may be less protective than the existing setback of 200 feet, because the proposed legislation allows drillers to seek a variance. However, under current law drillers cannot locate a well less than 200 feet from a water well without the written consent of the owner.

[Click here](#) to read an op-ed by WV-SORO member Letty Butcher about the problems with the proposed setbacks.

- **Protection of Water Supplies and Presumption of Liability:**

WV-SORO supports and appreciates extending the operator's presumptive liability for water contamination to 2,500 feet and the clarification of water replacement requirements. However, there should not be a limitation of six (6) months. If there is a spill of fracturing fluid or flowback onto the well site, it could take that long or much longer for it to work its way down into the groundwater and 2,500 feet away to ruin your water well. When a contaminant plume enters an aquifer it may take years, or decades, to pass by an individual well. A 2006 study by the U.S. Geological Survey found that

groundwater in aquifers of West Virginia ranged in age from 5.9 to 56 years, with a median age of 19 years. The study concluded that because most of the groundwater sampled and analyzed in the study is young (geologically speaking), the potential for human activity to adversely affect ground water quality in West Virginia is high. According to the report, the ages indicate, "that the State's aquifers are vulnerable to contaminant sources in a time span of less than 30 years."

Additionally, we are concerned that the proposed legislation does not expand pre-drilling testing parameters. Currently drillers are required to test for constituents in drilling muds and fluids, but not for chemicals or chemical compounds used in hydraulic fracturing, or naturally occurring radioactive materials (NORMs) known to exist in the Marcellus Shale.

- **Disposal and Handling of Drilling Waste:**

The committee amended the bill to say, "The operator shall remove and dispose of any waste pit liner and liner wastes at a landfill that is approved by the Secretary to receive liner and liner wastes." But the amendment was not clearly carried out through the rest of the bill and still appears to allow the disposal of cuttings at the well site.

The bill allow the use of "flowback recycle impoundments" which "shall be designed and constructed using a single liner system." There have already been problems with leaks from torn liners. The result was pollution of ground water. This pollution may have been avoided if there was a dual liner system with a leak detector.

--

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----- Original Message -----

**From:** Sarah Veselka

**To:** [FODC-L@LISTSERV.WVNET.EDU](mailto:FODC-L@LISTSERV.WVNET.EDU)

**Sent:** Thursday, December 01, 2011 10:38 AM

**Subject:** [FODC] Watershed of the Year, Holiday Social Next Thursday, GoodSearch, Deckers Creek Dog

Happy Holidays from Friends of Deckers Creek!

**2011 Watershed of the Year!**

FODC was recognized for outstanding efforts in Education and Outreach and awarded WV Watershed Association of the Year for the second time (last in 2004) at the 2011 WV Watershed Celebration Day. We were co-recipients of this prestigious award with the Coal River Group. Congratulations to all of our hard working staff, board members, youth advisory board members, volunteers, and

supporters. We couldn't do it without you! Come help us celebrate at the Holiday Social next Thursday!

### **FODC Holiday Social**

~Thursday, December 8, 2011, 7-10 PM, Arts Monongahela on High St.~

Please join FODC to celebrate our 16<sup>th</sup> Anniversary and 2011 accomplishments with a dessert and wine party. We will recognize our hard working volunteers and gracious donors, and recap our accomplishments and struggles from the year. Please bring a home-made dessert, bottle of wine, or donation (\$10) to contribute to FODC. All are welcome and we hope to see you there! Tis the season! ☺

### **GoodSearch to Support YAB**

If you are online shopping this holiday season, please consider doing so through GoodSearch. A percentage of every purchase you make from a long list of online retailers will be given to the FODC Youth Advisory Board. It's easy – just go to [www.goodsearch.com](http://www.goodsearch.com) and choose FODC YAB as your charity. Thank you and happy holiday shopping!

### **Deckers Creek Dog**

FODC is working with WVU graduate student Forrest Conroy on a web site application called Deckers Creek Dog that will allow users to report pollution issues directly from the internet and/or smart phone. This will be an expansion of our Watershed Watch Dog program. Please take a few minutes to fill out a survey that will help in the development of what could be an extremely important watershed pollution reporting tool. Here is the link: [bit.ly/qofxHr](http://bit.ly/qofxHr).

### ***Thank you!***

-----  
Learn more about FODC: [www.deckerscreek.org](http://www.deckerscreek.org)

Meetings: 3rd Thursday each month 6:30 pm around the watershed:

[www.deckerscreek.org/calendar.html](http://www.deckerscreek.org/calendar.html)

News: about the Deckers Creek watershed: [www.deckerscreek.org/news.html](http://www.deckerscreek.org/news.html)

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To subscribe or unsubscribe from the Friends of Deckers Creek e-mail list, visit our web site under the contacts page.

### **Sarah Veselka, Executive Director**

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Raise money for the Friends of Deckers Creek Youth Advisory Board just by searching the Internet or shopping online with GoodSearch - [www.goodsearch.com](http://www.goodsearch.com).

## Learning Too Late of Perils in Gas Well Leases

Friday, December 02, 2011

By IAN URBINA and JO CRAVEN MCGINTY, The New York Times

After Scott Ely and his father talked with salesmen from an energy company about signing the lease allowing gas drilling on their land in northeastern Pennsylvania, he said he felt certain it required the company to leave the property as good as new.

So Mr. Ely said he was surprised several years later when the drilling company, Cabot Oil and Gas, informed them that rather than draining and hauling away the toxic drilling sludge stored in large waste ponds on the property, it would leave the waste, cover it with dirt and seed the area with grass. He knew that waste pond liners can leak, seeping contaminated waste.

"I guess our terms should have been clearer" about requiring the company to remove the waste pits after drilling, said Mr. Ely, of Dimock, Pa., who sued Cabot after his drinking water from a separate property was contaminated. "We learned that the hard way."

Americans have signed millions of leases allowing companies to drill for oil and natural gas on their land in recent years. But some of these landowners -- often in rural areas, and eager for quick payouts -- are finding out too late what is, and what is not, in the fine print.

Energy company officials say that standard leases include language that protects landowners. But a review of more than 111,000 leases, addenda and related documents by The New York Times suggests otherwise:

¶ Fewer than half the leases require companies to compensate landowners for water contamination after drilling begins. And only about half the documents have language that lawyers suggest should be included to require payment for damages to livestock or crops.

¶ Most leases grant gas companies broad rights to decide where they can cut down trees, store chemicals, build roads and drill. Companies are also permitted to operate generators and spotlights through the night near homes during drilling.

¶ In the leases, drilling companies rarely describe to landowners the potential environmental and other risks that federal laws require them to disclose in filings to investors.

¶ Most leases are for three or five years, but at least two-thirds of those reviewed by The Times allow extensions without additional approval from landowners. If landowners have second thoughts about drilling on their land or want to negotiate for more money, they may be out of luck.

The leases -- obtained through open records requests -- are mostly from gas-rich areas in Texas, but also in Maryland, New York, Ohio, Pennsylvania and West Virginia.

In Pennsylvania, Colorado and West Virginia, some landowners have had to spend hundreds of dollars a month to buy bottled water or maintain large tanks, known as water buffaloes, for drinking water in their front yards. They said they learned only after the fact that the leases did not require gas companies to pay for replacement drinking water if their wells were contaminated, and despite state regulations, not all costs were covered.

Thousands of landowners in Virginia, Pennsylvania and Texas have joined class action lawsuits claiming that they were paid less than they expected because gas companies deducted costs like hauling chemicals to the well site or transporting the gas to market.

Some industry officials say the criticism of their business practices is misguided. Asked about the waste pits on Mr. Ely's land in Pennsylvania, for example, George Stark, a Cabot spokesman, said the company's cleanup measures met or exceeded state requirements. And the door-to-door salesmen, commonly known as landmen, who pitch the leases on behalf of the drilling companies also dismiss similar complaints from landowners, and say they do not mislead anyone.

### The Sales Pitch

"There are bad leases out there, and, as with any industry, there have also been some unscrupulous opportunists," said Mike Knapp, president of Knapp

Acquisitions and Production, a company in western Pennsylvania that brokers deals between landowners and drilling companies. "But everyone I know who does this work is on the up and up, and most of the bad actors that there may have been before are no longer in business."

He said that his company's leases ensure that landowners will get replacement water. The company also encourages landowners to visit an existing drilling site before signing a lease to get an idea of the potential noise and truck traffic. Some of the complaints about leases, he said, are just sour grapes from landowners who are envious about the amount of money they believe their neighbors are earning in bonuses and royalties.

To be sure, many landowners have earned small fortunes from drilling leases. Last year, natural gas companies paid more than \$1.6 billion in lease and bonus payments to Pennsylvania landowners, according to a report commissioned by the Marcellus Shale Coalition, an industry trade group. Chesapeake Energy, one of the largest natural gas companies, has paid more than \$183.8 million in royalties in Texas this year, according to its Web site.

Much of the money has gone to residents in rural areas where jobs are scarce and farmers and ranchers have struggled to stay afloat. Mr. Ely once worked for a company owned by Cabot on drilling sites in his area, until he was fired shortly after publicly complaining about Cabot's drilling practices.

But many landowners and lawyers say that gas companies are intentionally vague in their contracts and use high-pressure sales tactics on landowners.

"If you've never seen a good lease, or any lease, how are you supposed to know what terms to try to get in yours?" said Ron Stamets, a drilling proponent and a Web site developer in Lakewood, Pa., who started a consumer protection Web site, PAGasLeases.com, in 2008 so that he could swap advice with his neighbors as he prepared to sign a gas lease. Others have also taken steps to better inform landowners about the details in leases. In the past several years, the attorneys general in New York, Ohio and Pennsylvania have published advisories about the pitfalls of leasing land for drilling.

State regulations also provide protections to landowners above and beyond what is in their leases.

At least eight states specifically require companies to compensate landowners for damage to their properties or to negotiate with them about where wells will be drilled, even if the lease does not provide those protections.

Asked about the leases, officials from Exxon Mobil, the largest natural gas producer in the United States, declined to comment.

### Protecting Landowners

Jim Gipson, a spokesman for Chesapeake Energy, said any claims of damage can be investigated by the state and federal authorities and, he added, noise or other disturbances that may come with drilling tend to be brief.

"The most frequently asked question we receive from our mineral owners is, 'When are you going to drill my well?' " he said.

Mr. Gipson said that most leased properties do not end up having a well placed on them, so those leases do not need added protections. But some consumer advocates and lawyers say that protections are needed for all leased properties, even those without wells, because drilling may occur underneath them. These advocates also say that landowners' eagerness to start earning royalties has made them vulnerable to deceptive tactics by landmen.

"We're in town until tomorrow," the landmen typically say, according to interviews with more than two dozen landowners in Ohio, Texas and Pennsylvania. "We have already signed up all your neighbors."

The landmen then claim that if you do not sign right away you will miss out on easy income because other drillers will simply pull the gas from under your property using a well nearby.

Some landmen show up in poorer areas shortly before the holidays, offering cash on the spot for signing a lease. They might offer thousands of dollars per acre as a bonus to be paid shortly after the lease is signed. Royalties, which usually run between 12.5 percent and 20 percent of what the companies make for selling the gas, can mean tens of thousands of dollars per year for landowners.

Jack Richards, president of the American Association of Professional Landmen, said his members follow a strict code of ethics. His organization also encourages landowners to ask questions before they sign leases, he said.

"We promote open and honest communication between the landman and landowner before signing the lease," he said, adding that the standard lease forms are written with some protections for landowners.

Some leases, however, also include language that comes back to haunt landowners.

"I thought I knew what the sentence meant," said Dave Beinlich, describing a section that said that "preparation" to drill was enough to allow Chief Oil and Gas to extend the duration of his lease.

In 2005, Mr. Beinlich and his wife, Karen, signed a lease for \$2 an acre per year for five years on 117 acres in Sullivan County in north-central Pennsylvania. They soon realized they had gotten far less money than their neighbors, so they planned on negotiating a new lease when theirs expired in 2010.

A day before their lease term ended, no well had been drilled on their land, but the gas company parked a bulldozer nearby and started to survey an access road. A company official informed them that by moving equipment to the site, Chief Oil and Gas was preparing to drill and was therefore allowed to extend the lease indefinitely.

The Beinlichs have sued. Kristi Gittins, a vice president at Chief Oil and Gas, says that the company does not comment on pending litigation, but that its goal is to produce gas and it makes an honest attempt to develop the land it leases.

"Lease contracts work both ways," she added. "Chief honors the terms of its lease contracts, and we expect the landowners who have signed the lease contract to honor the terms of the contract as well."

But lawyers say that drilling leases are not like other contracts.

"You're not buying a refrigerator or signing a car note," said David McMahon, a lease lawyer in Charleston, W.Va., and co-founder of the West Virginia Surface Owners' Rights Organization, adding that once a well is drilled, it can produce gas for decades, locking landowners into the lease terms.

"With a gas lease, you're permitting industrial activity in your backyard, and you're starting a relationship that will affect the quality of living for you and your grandchildren for decades," he said.

Mr. McMahon and other lease lawyers say that unlike many contracts, oil and gas leases are covered by few consumer protection laws, in part because drilling has been most common in states with less regulation.

## Clauses With Consequences

"When it comes to negotiation skills and understanding of lease terms, there is a gaping inequality between the average landman and the average citizen sitting across the table," said Chris Csikszentmihalyi, a researcher at the Massachusetts Institute of Technology who created a Web site last year called the Landman Report Card that allows landowners to review landmen's professionalism and tactics.

Some lawyers also say that there are major differences between what drilling companies tell landowners and what they must disclose to investors.

Under federal law, oil and gas companies must offer investors and federal regulators detailed descriptions of the most serious environmental and other risks related to drilling. But leases typically lack any mention of such risks.

In New York, the duration of leases has been an especially contentious issue.

As leases near expiration, some gas companies try to extend them, often by invoking "force majeure," a legal term referring to an unforeseen event that prevents the two sides from fulfilling an agreement.

In these instances, gas companies say the unforeseen event is the state's repeated delays in releasing environmental regulations and issuing drilling permits.

Force majeure clauses appear in as many as half the roughly 3,200 New York leases reviewed by The Times.

Another important lease term is the Pugh Clause, said Lance Astrella, a lease lawyer in Denver. It is named after Lawrence Pugh, a Louisiana lawyer who started adding it to leases in 1947 to ensure that they would not be extended indefinitely without wells being drilled.

Fewer than 20 percent of the more than 100,000 Texas leases reviewed by The Times include such a clause, and very few of the leases from Maryland, New York, Ohio, Pennsylvania and West Virginia include the language. While the leases collected by The Times represent a small fraction of the more than 8 million oil and gas leases in the United States, experts said they illustrated issues that landowners need to understand.

Mr. Astrella said that leases also typically lacked a clause requiring drillers to pay for a test of the property's well water before drilling started, and landowners often do not think to do the tests themselves. If drilling leads to problems with drinking wells, landowners have few options if they want to prove that their water was fine before drilling started.

For some landowners, it can be a costly mistake.

"It's been one expense after another since our water went bad, and the company only has to cover part of it," said Ronald Carter, 72, of Montrose, Pa. Mr. Carter and his wife, Jean, said they signed a lease in 2006 for a one-time fee of \$25 per acre on their 75 acres and annual royalty payments of 12.5 percent.

The Carters live on \$3,500 a month, including the \$1,500 per month they average in gas royalties. But they had to spend \$7,000 to install a water purifier when their drinking supply became contaminated in 2009 after drilling near their property.

The Carters joined a lawsuit with about a dozen neighbors, including Mr. Ely, accusing Cabot Oil and Gas of contaminating their drinking water.

Mr. Stark, the Cabot spokesman, said that his company was not responsible for any water contamination in the area and that Cabot's studies showed that the gas seepage into the drinking water was occurring naturally.

"All the testing we have been able to conduct show the water meets federal safe drinking water standards," Mr. Stark said.

In 2009, Pennsylvania ordered Cabot to provide the affected residents with water. For the Carters, the company has paid for bottled water and for the installation of a water buffalo next to their trailer. Mr. Stark added that his company had offered to pay for treatment systems to remove gas if it leaked into their drinking water.

Mr. Carter said that even though Cabot had paid to provide him with bottled water and a water buffalo, he can barely afford his electricity bill, which doubled because he has to heat the water buffalo to make sure it does not freeze.

Those expenses may soon go up.

On Wednesday, Cabot stopped delivering water to the Carters, the Elys and others in Dimock after state regulators said the company had satisfied requirements of a settlement agreement with the state.

"It's a little late now," Mr. Carter said. "But there are a lot things I'd like to have done different with that lease."

Jeremy Ashkenas and Kitty Bennett contributed research.

This article originally appeared in The New York Times.

First published on December 2, 2011 at 12:01 am

LETTER TO EDITOR:

### **Gas drilling sellouts**

I'm writing about the most recent bills passed for regulating the gas industry. HB 1950 and SB 1100 are a sellout to the gas industry. These bills are an assault on local governments' power and the democratic process by allowing corporate gas interests to dictate what legislation will be passed.

It allows the state attorney general to rule on local ordinances; this pre-empts all local zoning ordinances attempting to restrict Marcellus drilling in their municipalities and makes it possible to replace them with weakened state regulations. This is exactly what Pittsburgh has worked to fight against. Drilling would even be allowed in residential areas!

The gas industry and Gov. Tom Corbett are working hand in hand to undermine local authorities and attack our public health, environment and water supplies. This is an outrage and needs to stop!

**AMANDA OVERSTREET**

THE STATE JOURNAL:

### **DOE Report: New Regulations Will Not Interrupt Grid**

*Posted: Dec 01, 2011 3:15 PM EST Updated: Dec 01, 2011 3:27 PM EST*

By Taylor Kuykendall, Reporter



With new clean air standards soon to be announced by the Environmental Protection Agency, the U.S. Department of Energy released a report on potential impacts of two controversial clean air standards.

The report compares Cross-State Air Pollution Rule (CSAPR) and the Mercury and Air Toxics Standards (MATS) implementation at deadlines stricter than those proposed. The results suggest there would not be resource adequacy issues as suggested by some electrical producers and lawmakers.

"Our review, combined with several other studies, demonstrate that new EPA rules – which will provide extensive public health protections from an array of harmful pollutants – should not create resource adequacy issues," said David Sandalow, assistant secretary for policy and international affairs. "Any local reliability challenges that could arise should be manageable with timely cooperation and effective coordination among all relevant stakeholders. Working together, we can and will provide safe, reliable electricity to American consumers."

According to a release from the Department of Energy, "flexibility mechanisms" are built into the Clean Air Act to ensure reliability of the nation's electricity grid.

"In some cases, compliance with the new rules, particularly CSAPR, may be achieved through the use of existing controls, shifts in dispatch, purchase of allowances, and fuel switching," the report states. "In other cases, compliance with new rules will require installation of new pollution controls and may motivate the construction of replacement generation, which can sometimes take multiple years to complete."

Even in the "most stringent case" scenarios examined, the DOE says, there is only potential for a small amount of new generation sources.

The test ignores less costly methods of compliance and assumes all plants are required to install a wet flue gas desulfurization system and fabric filters.

The CSAPR rules set up methods for trading emission caps from state to state and puts limits on Eastern states' allowed emissions. MATS places emissions-rate standards on coal- and oil-fired electric generators.

The report comes just after a study released by the North American Electric Reliability Corporation (NERC) that said EPA's proposed regulations "may significantly affect bulk power system reliability depending on the scope and timing of the rule implementation and the mechanisms in place to preserve reliability."

U.S. Sen. Joe Manchin, D-W.Va., recently introduced a bill that would delay implementation of those rules. Manchin has said he is concerned about grid reliability as well as the jobs affected plants provide.

The bill is called the Fair Compliance Act.

"This bipartisan, commonsense bill would create reasonable timelines and benchmarks for utilities to comply with two major EPA rules to protect jobs as well as the affordability of electricity and the reliability of the electric grid," Manchin said.

"While the bill would extend and synchronize the timeline for compliance with the Cross-State Air Pollution Rule (CSAPR) and the Utility MACT Rule, it would not reduce existing authority under the Clean Air Act, nor does it relax the standards under any existing or proposed Clean Air Act regulations."

According to the report, there are numerous "compliance pathways" available. Pathways include switching fuels, purchasing emissions, retiring uneconomic plants and retrofitting units with new pollution controls.

The report leans toward the use of natural gas and suggests some older, out-of-date coal generation plants could be replaced with natural gas.

"While individual plants can sometimes be retired without adverse impacts on electric system reliability, in some cases, new replacement generation or transmission capacity might be needed," the report states. "Excluding time for any required regulatory approvals, some natural gas capacity (combustion turbines) could be built in as little as one year, while the construction of new baseload combined cycle natural gas power plants could take from two to four years."

## **Slippage Problem At Marshall Drilling Site**

### **CHESAPEAKE SAYS IT'S WORKING TO FIX WELL PAD PROBLEM**

**December 2, 2011**

By CASEY JUNKINS Staff Writer , The Intelligencer / Wheeling News-Register

GLEN EASTON - In response to some residents' concerns, Chesapeake Energy officials are working to stabilize the soil slips at the Ray Baker well pad in southern Marshall County.

"We have been diligently engaged with the (West Virginia Department of Environmental Protection) and geotechnical firms to reinforce and remediate the site," said Chesapeake Director of Corporate Development Stacey Brodak.

Geotechnical firms are those who specialize in evaluating the properties and characteristics of the soils and rocks inside the earth.

File photo by Casey Junkins

Stacey Tubbs, drilling superintendent for Chesapeake Energy, discusses this natural gas drilling site near Avella, Pa. The company is battling soil stability issues at the Ray Baker drilling site in Marshall County.

On Thursday, some residents alerted The Intelligencer of the problem, calling it a "well pad site collapse." Brodak said these soil slips do not constitute such a complete failure of the site.

Brodak said two additional slips on the hillside adjacent to the drilling pad compounded the problem, as these slips took place after a long rain.

"There was one residential property affected by one of the slips when mud and debris were washed into the yard," Brodak said.

Chesapeake workers would like to keep Valley Run Road below the slip closed until the area is stabilized to help ensure public safety. Brodak said officials with the state Division of Highways have been cooperative with the company regarding this plan.

"We have flagmen stationed at the road around the clock," Brodak added.

As Chesapeake works to remedy the situation at the Baker pad, the company also recently spent \$60 million to \$70 million to repair a series of roads in West Virginia's Northern Panhandle. The company resurfaced the following roads in each county:

**EDITORIAL:**

# Job Outlook Is Improving

**December 2, 2011**

The Intelligencer , The Intelligencer / Wheeling News-Register

Northern Panhandle residents willing to put in an honest day's work are surrounded by opportunities right now. For those who can work with their hands and do not mind a little dirt, the job market in our area has not looked so good in many years.

These are not six-figure-salary jobs, of course. You do not need to have a string of letters after your name to get them, and you will not have a title or a corner office when you start.

But as Benwood Mayor Ed Kuca said, "It's jobs you can actually raise a family on ... and we're excited to see them ..." Kuca was referring specifically to a \$2 million "drilling mud" facility in Benwood's Industrial Park.

Fluids Management's new plant is expected to create 12 to 15 full-time jobs. Companies such as Gastar Exploration are excited enough about the Marcellus and Utica shales to want to spend hundreds of millions of dollars a year investing in our region. Those investments will continue to mean jobs and opportunities.

Occupy Wall Streeters might expect the rest of us to pay for their double doctoral degrees in Sanskrit and interpretive dance, then guarantee them a starting salary that will allow them to jet to Vienna during their two months of vacation time, while pushing papers behind a desk for 30 hours a week the rest of the year. But here in the Ohio Valley, we know better.

We've seen what happens to workers - and eventually, to employers - when the entitlement philosophy is preached, even for those who already have been out of work for longer than they would care to admit.

Unfortunately, the number of good jobs like those Kuca cited still falls short of the demand for them. At least 1,200 people attended a job fair in Moundsville this week, staged by companies involved in the gas industry. While many of the applicants are about to get fresh starts in life, many more will be disappointed.

Some of them, upset they couldn't land the positions they wanted, may yet be able to start bringing home paychecks by applying for some of the many lower-wage jobs for which signs are seen throughout the valley. There seems to be no shortage of "Now Hiring" and "Help Wanted" signs for entry-level work, sometimes with benefits. Those who take such jobs know the experience - and evidence of willingness to work hard - will look good on resumes they submit for better positions.

The Ohio Valley still is full of men and women who understand the pride that comes from working hard and providing for their families, as generations of their ancestors have done.

After a long, dispiriting period in which opportunities were limited, things may be changing.

Binghamton NY PressConnects.com:

## Spill probed near Pa. gas-drilling site

Sludge-like substance found on hunting land

9:00 PM, Dec. 1, 2011

A pool of viscous black liquid was discovered Thursday on State Game Lands 219 in Warren Township, Bradford County. The substance is less than two miles from a Talisman Energy natural gas well pad. / STEVE REILLY / STAFF PHOTO

Written by  
**Steve Reilly**

**ADS BY PULSE 360**

### **What Is Wireless For America?**

Americas Wireless Network Is Running Out Of Space

[wirelessforamerica.org](http://wirelessforamerica.org)

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### **57-Year-Old Mom Looks 25**

Morgantown: Local Mom Exposes an Anti-Aging Miracle. Her \$5 Trick ERASES Wrinkles!

[PopularLifestyleJournal.com](http://PopularLifestyleJournal.com)

WARREN TOWNSHIP, Pa. -- As he pulled out of his driveway early Thursday morning, Bradford County resident Roger Cook made an unsightly discovery on the state-owned hunting land across the road.

"It's some sort of petroleum sludge," Cook said. "And it's just illegally dumped out here in the middle of nowhere."

Pennsylvania officials and Talisman Energy on Thursday launched investigations into the source of a 500- to 800-gallon pool of viscous black fluid found near the state line in northern Bradford County, about 1 1/2 miles from a natural gas well pad.

The gooey, black material was splayed in a 3-inch-thick pool, approximately 100 by 30 feet, at the beginning of an access road that extends deeper into Pennsylvania Game Land 219. The 5,691-acre hunting preserve is owned by the Pennsylvania Game Commission.

The fluid is believed to be a petroleum product mixed with some oils and clay, said Kevin Sunday, a spokesman for the Pennsylvania Department of Environmental Protection.

"It's clearly an oil-and-gas-industry-related product," he said. "We're not sure how it got there."

According to Sunday, one of Talisman's contractors discovered the material and reported it to Bradford County officials on Thursday afternoon.

The DEP will work with Bradford County Emergency Management, the Pennsylvania Game Commission and Talisman to ensure the material is vacuumed and excavated and to make sure no surrounding groundwater or soils are impacted, he said.

"We're going to investigate how it was spilled or dumped there and who's responsible and certainly hold them responsible," Sunday added.

Warren Township Supervisor Fred Wheaton, who also serves as the township's road master, said he doesn't believe the material came from township road maintenance.

The fluid was found less than 2 miles from Talisman Energy's Strobe well pad in Warren Township.

Talisman spokeswoman Natalie Cox said the company sent the material out for testing and is examining internal records to determine if it is connected to activities at the Strobe pad.

"We cannot confirm at this time that it was from the well site," she said. "But because it is so close, that is why we are taking it upon ourselves to start the cleanup and take the steps necessary."

Cox said Thursday that the cleanup was expected to be completed overnight.

"There were no waterways, streams -- no impacts in that regard," she said. "But our investigation needs to continue to find out how this happened (and) when it happened."

A man who declined to be named -- but identified himself as an independent road-monitoring contractor working for Talisman -- was parked next to the fluid Thursday afternoon.

While official investigations are ongoing, Cook -- whose property is separated from the state game land by a small, dirt road -- said he believes the liquid was dumped there Wednesday night.

Tire tracks likely tell the story, he said.

"What it looks like to me is a tanker truck pulled out in there," Cook said. "It looks to me like they were going to go out into a field and dump, and they got stuck so they just dumped it there and just left."

## **Gas drilling brine considered for clearing wintry roads**

By Timothy Puko  
PITTSBURGH TRIBUNE-REVIEW  
*Thursday, December 1, 2011*

Counties and towns could use wastewater from shallow drilling operations to clear wintry roads under a proposal being considered by the state.

State environmental regulators are reviewing a plan to allow brine waste from shallow gas drilling for use in treating snowy and icy roads. Water from shallow gas wells doesn't have the high concentration of chemicals or the radioactive particles that wastewater from deep shale drilling can contain, said Kevin Sunday, spokesman at the state Department of Environmental Protection.

Several states allow use of waste from shallow wells as a melting agent with little environmental impact, Sunday said.

Pennsylvania allowed it for about a decade, until the end of 2010, and it was a big cost saver, said Ron Faull, a township supervisor in Liberty, Mercer County, one of only four places that had permits. Instead of dealing with tightening state regulations regarding use of the wastewater, the township bought its own brine maker and expects to spend about 8 cents a gallon — maybe \$320 a year — to make its own, Faull said.

"It was free, that was the big draw," he added. "They messed up a good thing, I think."

Governments and private contractors had to apply for a permit.

Brine waste wasn't used on roads in a widespread way before, and the department isn't expecting anything different this time. State officials also are considering allowing brine as a dust suppressant and to stabilize unpaved roads at the behest of road construction companies, Sunday said.

Neither Allegheny County nor PennDOT is considering using wastewater to clear the roads it maintains, officials said. Municipal officials across Western Pennsylvania said they hadn't heard of any interest in the process. The industrial water treatment plant, Hart Resource Technologies Inc., once sold it for road use, according to the Indiana-Blairsville Council of Governments.

Hart officials did not return a request for comment.

Pennsylvania environmental regulators did internal research and used research from other states to evaluate safety of the brine waste and found no problems, Sunday said. West Virginia began using it in 2010 and hasn't had any problems, the state's Department of Environmental Protection reported.

State officials need to set firm criteria as to what chemicals can be in the brine waste and rigorously enforce them, said Paul Ziemkiewicz, director of the West Virginia Water Research Institute at West Virginia University. West Virginia sets limits on 13 chemicals and the total amount of dissolved solids.

West Virginia doesn't allow road brine from Marcellus shale drilling, said Tom Aluise, spokesman at the West Virginia Department of Environmental Protection.

The controversy over shale drilling has led to a lot of concern over the use of brine waste on roads, even though it would come from shallow wells, Sunday said. His department received about 250 responses during its public comment period and won't make a decision before it reviews all of them, he added.

"Anything this state does revolving around natural gas, there's going to be a lot of concern," Sunday said.

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## **Marcellus shale laws dominate town hall meeting**

By Brian C. Rittmeyer  
VALLEY NEWS DISPATCH  
*Thursday, December 1, 2011*

LOWER BURRELL -- Concerns about state legislation that opponents say doesn't do enough to protect people from Marcellus shale natural gas drilling dominated a town hall meeting state Rep. Eli Evankovich hosted Wednesday night.

Most of the roughly 50 people who attended the meeting at the Kinloch Volunteer Fire Department were there because of Marcellus shale drilling and their concerns about the legislation.

Ron Slabe of Upper Burrell presented Evankovich, R-Murrysville, with a petition he said contains more than 11,000 signatures of people opposed to the legislation passed in different forms by the state House and Senate.

Evankovich voted in favor of the House bill.

Slabe charges the proposed laws would pre-empt "strong local ordinances," replacing them with weak and inadequate state regulations.

He called the impact fee that would be collected on wells a bribe.

"People are extremely dissatisfied with how you guys are doing this in Harrisburg," Slabe said. "There is no excuse for not making this the best possible bill."

Evankovich said 69 of his constituents in the 54th District signed Slabe's petition. Conversely, he said 114 have contacted his office in favor of the bill.

While the bill originally had a full pre-emption of local regulations, Evankovich said it was changed with input taken from local municipalities.

"We changed the bill in a way that is almost agreeable for you," he said. "We've made it better."

But Slabe maintained the bill is still not good enough. Distances that wells must be from homes and water sources are "inadequate," he said.

The legislation, and the industry, were not without supporters.

Jim Haas of Upper Burrell called 11,000 signatures "a drop in the bucket."

"We need some prosperity," he said. "If we over-regulate this industry, they're going to pick up their toys and go home."

Evankovich said lawmakers need to look out for the 40 percent of the state that has no zoning.

While opponents of the bill say local governments know their areas better, Lower Burrell Mayor Don Kinosz said part-time elected officials don't have the resources to look at all the factors.

"We don't have the ability to do the kind of depth the state does," he said.

Evankovich said the legislation provides for the state Attorney General to review local ordinances.

If an ordinance is unreasonable, the municipality can keep it -- at the cost of impact fee money.

Gretchen Beveridge of Upper Burrell said she's concerned with the number of violations, some serious, that the industry has been racking up. She said the township should have some control.

"We have zoning in place for a reason," she said. "I want to know what's going on in my township."

Pam Poholsky of Murrysville said the small group before Evankovich last night represents hundreds of others. She asked him to do more.

"You can fight harder," she said, "say no to these bills. We need to preserve our community rights."

Evankovich said he understands and hears the concerns.

"At some point," Evankovich said, "we have to say this is as good as it's going to get."

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## **Natural gas pipeline project gets federal approval**

**By staff and wire reports**

*Thursday, December 1, 2011*

Spectra Energy Corp. received federal approval for a pipeline expansion to take shale gas from Pennsylvania to the East Coast, its officials announced Wednesday.

The company will be expanding its pipeline system that runs through Greene County and elsewhere in southern Pennsylvania with its approval from the Federal Energy Regulatory Commission. The work will be finished in late 2012 and add 200 million cubic feet of capacity per day. Spectra has contracts with Range Resources Corp. and Chesapeake Energy Corp. for that capacity, according to the company.

Operated by subsidiary Texas Eastern Transmission LP, the project is called Texas Eastern Appalachia to Market 2012, or TEAM 2012. It will add new pipeline and compression stations to the company's existing mainline across the state.

## **Beaver County trail would help connect Erie to nation's capital**



By Karen Kadilak  
FOR THE PITTSBURGH TRIBUNE-REVIEW  
*Thursday, December 1, 2011*

The Ohio River Trail Council is hosting a public meeting on Monday to discuss a proposed trail through Beaver County that would become a link in a mega system connecting Lake Erie all the way to Washington, D.C.

The trail would go from the north shore of the Ohio at the Monaca-Rochester Bridge to the Ohio state line, connecting with the Little Beaver Creek Greenway Trail in Columbiana County, Ohio. A second, so-called south trail, proposed earlier, would go from the bridge to the Montour Trail in Moon.

Using abandoned railroad corridors, trolley lines and canal towpaths, the north and south trails would form a 41-mile path.

"We definitely need a lot of public input," said Doniele Russell, a shared greenways and environmental planner for Beaver County who is organizing the meeting. "We want to know if we are encroaching on someone's garden, or are near a school bus stop or a place where a train goes by at noon.

"Details like those are very important."

The trail -- championed by the nonprofit Ohio River Trail Council -- would be paid for by the state Department of Conservation and Natural Resources, Beaver County, the First Energy Foundation and the 12 communities that would benefit from the path, which would be north of the Ohio River.

Beaver, Beaver Falls, Bridgewater, Brighton, Fallston, Industry, Midland, New Brighton, Ohioville, Rochester Borough, Rochester Township and Vanport are studying the feasibility of the north trail.

"We have plans drawn up, but they can be changed by what the public tells us," said Diane Kemp, Midland borough manager, who is administering the program as an Ohio Rivers Trail Council board member.

"All public meetings are important, but when you're discussing trails, they become even more so," Kemp said. "You don't want to build a trail, then be told later that there's a problem with it."

Proponents tout the north and south trails -- which are expected to take years and millions of dollars to complete -- as boons to economic development.

"Trail enthusiasts stop at stores, restaurants and motels," Kemp said. "(Trails) attract young people."

"I think older people are going to like the trails, too," said Mario Leone Jr., the Monaca borough manager and a co-founder of the Ohio River Trail Council. "They're going to find they're good, reliable places to take daily walks."

Thomas Baxter, executive director of the South Side-based Friends of the Riverfront, considers the north and south trails good fits for the proposed expansion of the Three Rivers Heritage Trail.

Nearly completed, the Three Rivers Heritage Trail extends for 22 miles on both sides of the Allegheny, Monongahela and Ohio rivers.

Plans call for the trail to be extended north and west from the banks of the Ohio adjacent to Station Square, where it now ends, to Coraopolis.

"The Ohio River Trail would seem to be a natural progression of that," Baxter said.

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## County plans park updates with oil, gas money

12/2/2011 3:33 AM

By Barbara S. Miller

Staff writer

[bmiller@observer-reporter.com](mailto:bmiller@observer-reporter.com)

Those who use Washington County parks will be seeing \$87,272 worth of improvements and equipment coming from oil and gas lease proceeds from Marcellus Shale drilling in Cross Creek Park after unanimous votes Thursday by the Washington County commissioners.

A restroom costing \$39,660 from CXT Concrete Buildings of Pittsburgh will be added to Ten Mile Creek County Park. The stone-faced, pre-fab Rocky Mountain vault restroom will be purchased through a preapproved contract with the state so it does not require bidding.

"We dig the pit, and they set the building on top of it," said Lisa Cessna, director of the Washington County Planning Commission, which oversees the parks department.

Cessna said the installation is planned for this winter.

The composting toilets and hand sanitizers in the new building will be placed in an area of the park that does not have a water line. Facilities with plumbing are available in another part of the 20-acre park.

The county also plans to buy a \$47,612 Bobcat S770 skid-steer loader, also through a state contract, which will be housed at Mingo Park. It will be used to maintain several routes, including a short walking path at Ten Mile, horse, bicycle and pedestrian trails at the 2,400-acre Mingo park, and, when developed, trails at the 2,800-acre Cross Creek Park.

Cessna originally proposed purchasing the Bobcat with liquid fuels proceeds allocated by the state, but the commissioners urged her to use energy proceeds.

"There are so many bridges that need repairs out there, and liquid fuels money continues to shrink," said Commissioner Diana Irey Vaughan at Wednesday's agenda meeting.

"I know you can't use (Marcellus Shale) money to build a bridge," said Commission Chairman Larry Maggi.

The commissioners have decided to use gas well proceeds for improvements at county parks because the wells have been drilled at Cross Creek.

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## **Permit granted for operation at Calvin Run**

12/2/2011 3:32 AM

By Bob Niedbala, Staff writer

[niedbala@observer-reporter.com](mailto:niedbala@observer-reporter.com)

The state Department of Environmental Protection has approved a permit for the Dana Mining Co.'s dewatering operation at Calvin Run in Perry Township.

The permit for the two de-watering boreholes into the Humphrey Mine at Calvin Run was approved as a revision to a mine permit renewal for the company's 4 West Mine in Dunkard Township.

The permit renewal and the revision for the Calvin Run boreholes were approved by DEP Nov. 2, said DEP spokesman Kevin Sunday.

Dana drilled the two de-watering boreholes into the closed Humphrey Mine at Calvin Run so it can pump mine water to the Steele Shaft treatment plant, operated by an affiliate, AMD Reclamation Inc.

The 4 West Mine is mining Sewickley seam coal above the Pittsburgh seam formerly mined by Humphrey. The company had to lower the water level in the Humphrey pool to continue mining.

DEP previously issued the company a permit revision for Calvin Run. However, it revoked the permit in February 2010 as part of an agreement to settle an appeal filed by PennFuture and Friends of Dunkard Creek.

The department then determined a mining permit revision was not needed for the project and allowed the company to begin work after receiving an earth disturbance permit from the county conservation district.

The U.S. Office of Surface Mining disagreed with the decision, claiming the activity constituted mining without a permit. OSM issued a cessation order in January, halting work at the site until the company received a mine permit revision.

In February, however, an administrative law judge for the U.S. Department of Interior suspended OSM's cessation order, allowing work at the site to proceed until a hearing could be held on the company's petition for relief.

The case was subsequently dismissed based on a stipulation between the parties.

PennFuture and Friends of Dunkard Creek have opposed the Calvin Run project, claiming it will allow the Steele Shaft plant to discharge additional polluted water into Dunkard Creek.

The plant was originally developed to treat acidic water from the abandoned Shannopin Mine, which was threatening to breach the surface.

No similar threat exists at the Humphrey Mine, the groups claimed. The plant also cannot treat for total dissolved solids.

The permit for the Steele Shaft plant, which expired in 2008, is now under review by DEP though the company is authorized to continue the plant discharge, Sunday said. Neither a spokesman for Dana nor PennFuture could be reached Thursday for comment.

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## **Boom from rooms**

12/2/2011 3:34 AM

By Michael Bradwell

Business editor

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Proceeds from a countywide hotel room tax that funds tourism promotion and capital investment in public venues here have nearly doubled in the past five years, the head of Washington County Tourism Promotion Agency said Thursday.

J.R. Shaw said just more than \$1 million was collected from the county's 3 percent room tax in 2010. While the county uses some of the proceeds to fund capital projects for public venues, the tourism agency is the largest beneficiary of the increase.

The reason for the significant growth in collections is directly related to the number of hotel rooms that have been added since 2007, Shaw said.

When he was named tourism director in 2007, there were about 1,200 hotel rooms in the county. Today, that number has swelled to about 2,000 rooms, a result of a hotel building boom.

Washington County Treasurer Francis King said Thursday the county began collecting the 3 percent room tax a decade ago but has seen proceeds from the levy climb more rapidly with the addition of new, larger hotels over the years.

The proceeds not only help the tourism agency promote the area, but also help the county fund projects such as the addition of two new exhibition and meeting halls at the Washington County Fairgrounds and playing-field renovations at Consol Energy Park.

"Our tourism grant program is tied directly to the room tax," Shaw added, noting the agency uses the money to fund advertising and promotional programs of local nonprofits such as the David Bradford House and the Arden Trolley Museum.

The proceeds are also funding the tourism agency's first comprehensive study to quantitatively determine how many people visit the county; where tourists are coming from; and the places they visit here. The yearlong "Grow Washington County" initiative, launched two weeks ago, will work with hotels, attractions, specialty stores and malls to determine "hard numbers" on hotel room nights, dollar amounts spent and visitations. Shaw said the research will help the agency refine future marketing plans with the goal of attracting more tourists.

According to Shaw, the increase in room tax collections is coming from both leisure and business activities, particularly the oil and gas industry.

"We know that (gas drilling) is a large part of this, but there's also been a large increase in leisure activity," he said.

He noted much of the leisure activity has come with the 2007 arrival of The Meadows Racetrack & Casino and Tanger Outlets a year later, with both developments driving the addition of five hotels along Racetrack Road in the past four years.

As for what the room tax will deliver this year, Shaw said the number is expected to surpass last year's total.

"We've been seeing incremental growth on a month-to-month basis," he said.

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## **Landowners pan latest delay in N.Y.**

12/2/2011 3:32 AM

ALBANY, N.Y. (AP) - The natural gas industry and landowners hoping to share its profits are frustrated by the state's latest delay in allowing drilling, but environmentalists say more time is needed to study the issue.

The state Department of Environmental Conservation has refused to issue permits for shale gas wells using a drilling technique that involves blasting chemical-laced water into the ground since it started an environmental study in 2008. Critics say fracking could poison water supplies, but the natural gas industry says it's been used safely for decades.

On Wednesday, the DEC extended the comment period on proposed regulations from 90 days to 120 days, ending Jan. 11. Permits won't be issued until the review is completed.

The gas industry and some landowners panned the extension.

"While today's extension of the comment period may seem inconsequential to some, it is in fact a continuation of the existing four-year ban on economic opportunity for upstate New York," Brad Gill, head of the Independent Oil & Gas Association of New York, said on Wednesday.

Binghamton resident Dan Fitzsimmons, president of the Joint Landowners Coalition of New York, said Thursday that repeated delays in the DEC's rulemaking have cost the state hundreds of potential jobs and millions of dollars in revenue.

"We request that the DEC commit to a firm timeline for the review and approval of regulations on hydraulic fracturing immediately," said Fitzsimmons, whose organization was formed to protect the interests of landowners by promoting best environmental practices in natural gas development.

Environmental groups have called for a longer comment period because of the complexity of the state's 1,537-page environmental review.

"Another month is helpful, but what DEC does with the comments they receive is what counts," Paul Gallay, of Riverkeeper, said Thursday. "As we and other groups have pointed out, there are some pretty significant holes in the environmental impact statement and in the regulations, too. There's no showing that overall this is a good thing for the economy, let alone the environment."

The DEC held its fourth and final public hearing on the environmental review and proposed regulations for fracking on Wednesday in New York City. About 6,000 people attended the hearings, and about 600 made oral comments, the agency said Thursday.

DEC spokeswoman Emily DeSantis said nearly 10,000 written comments have been submitted and about 13,000 were submitted on an earlier draft of the environmental review in 2009.

"Public input on the draft environmental impact statement is an important and insightful part of developing responsible conditions for this activity as well as determining whether it can be safely conducted," DEC Commissioner Joe Martens said in a prepared statement Thursday.

Martens called the very high attendance at the public hearings "unprecedented."

Fracking also has been studied by the U.S. Environmental Protection Agency as drillers swarm to the lucrative Marcellus Shale region primarily beneath Pennsylvania, New

York, West Virginia and Ohio. Pennsylvania is the center of activity, with more than 3,000 wells drilled in the past three years and thousands more planned.

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----- Original Message -----

**From:** Rose Baker

**To:**

**Sent:** Thursday, December 01, 2011 4:17 PM

**Subject:** Mic Check! Ohio Students Interrupt Gas Industry - YouTube

[http://www.youtube.com/watch?feature=player\\_embedded&v=9jQXop\\_6RiU](http://www.youtube.com/watch?feature=player_embedded&v=9jQXop_6RiU)